

MAY 03 2004

Docket No.: 60137-163

**OFFICIAL**  
UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Foster  
Serial No.: 09/334,974  
Filed: 06/17/1999  
Group Art Unit: 1745  
Examiner: Cantelmo  
Title: Process for Applying Protective and Decorative Coating on an Article

MAILSTOP APPEAL BRIEF  
P.O. Box 1450  
Commissioner of Patents  
Alexandria, VA 22131-1450

**REPLY BRIEF**

Dear Sir:

This is in reply to the Examiner's Answer mailed March 3, 2004. The Examiner's Answer raises two arguments which require some brief response.

**ARGUMENTS RELATING TO CLEANING THE SURFACE OF MOYSAN**

First, beginning on page 21 of the Examiner's Answer, the Examiner argues that EP '711 teaches the use of pulsating air jets both to clean the surface of an electroplated layer and to reclaim any used electrolytes.

Answer:

There is no suggestion in Moysan to employ pulsating air jets to clean and dry the electroplated nickel layer 13. In Moysan, the electroplated surface is sputter cleaned to remove contaminants by applying power to cathodes to achieve a current flow (column 6, lines 52 to 59). A low pressure etch process can also be used to clean the electroplated surface by applying a negative D.C. current to the cathodes to achieve a current flow (column 6, lines 60 to 68). That is, Moysan requires that a current be applied to clean the electroplated layer. Because these method are used, there is no reason, suggestion or motivation to also employ pulses of air. Employing pulsed air would add additional

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expense to the formation of the article. That is, because the disclosed sputter cleaning and low pressure etch processes are employed, there is no reason or motivation to also employ pulses of air in Moysan.

Additionally, the European patent application is not reasonably pertinent to Appellant's particular problem. Moysan relates to an article having a multi-layer coating. The European Patent Application relates to collecting electrolytes. The European Patent Application is not within the field of multi-layer coatings, which is the subject matter of both Appellant's invention and the Moysan reference. The European Patent Application is not pertinent to the problem addressed in Moysan, and the claimed invention is not obvious.

Finally, even if Moysan and the European Patent Application were combined, the combination would not disclose, suggest or teach the claimed invention. The European Patent Application teaches using compressed air to blow a liquid or electrolytes off a surface of an article for collection and recycling of the electrolytes. The European Patent Application does not teach drying the article for the application of an additional layer. Therefore, even if the European Patent Application was combined with Moysan, the combination would not teach, suggest or disclose drying an article for the application of an additional layer. One skilled in the art would not consider the electrolyte collection process of the European Patent Application when drying a multi-layer article. The claimed invention is not obvious.

#### **ARGUMENTS RELATING TO EMPLOYING ADDITIONAL LAYERS**

The Examiner argues that it would be obvious to employ additional layers in the multi-layer coating of Welty.

#### **Answer:**

It is not obvious to employ additional layer in Welty. Claims 10-20 recite a nickel layer that is electroplated on a copper layer, and a chrome layer that is directly electroplated on the nickel layer. Welty does not disclose a copper layer, but the Examiner states that Pudem teaches a copper layer, and therefore the claimed invention is obvious.

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Pudem teaches a nickel layer on a copper layer, a brass layer on the nickel layer, and a chrome layer on the nickel layer. That is, a brass layer is located between the nickel layer and the chrome layer, and the brass layer prevents the nickel layer and the chrome layer from contacting. If these layers were employed in Welty, the combination would not teach, suggest or disclose Appellant's invention. Appellant is claiming that the chrome layer is directly electroplated on the nickel layer. If the layers of Pudem were employed in Welty, the combination would teach a brass layer between the chrome layer and the nickel layer, and the brass layer would prevent the chrome layer from being directly electroplated on the nickel layer as claimed. Therefore, even if Pudem was combined with Welty and the European Patent Application, the combination would not teach the claimed invention.

**CLOSING**

For the reasons set forth above, and for the reasons set forth in the main brief, the rejection must be reversed.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS**

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Dated: May 3, 2004

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office  
(Fax No. (703) 872-9306) on May 3, 2004.

  
Karin Butchko

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